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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 MARSHALL LOSKOT, No. C-13-00594 DMR
12 Plaintiff(s),
**ORDER TO SHOW CAUSE
SHOULD NOT BE TOLERATED**
13 v.
14 MJK PROPERTIES INC,
15 Defendant(s).

17 According to Plaintiff's complaint, the incident that forms the basis of his complaint took
18 place in Vallejo, California, in Solano County, and Plaintiff lives in Platina, California, in Shasta
19 County. Pursuant to 28 U.S.C. § 1391, a case in which jurisdiction is not based solely on diversity
20 of citizenship¹ may be filed only in:

21 (1) a judicial district in which any defendant resides, if all defendants are
22 residents of the State in which the district is located; (2) a judicial district in
23 which a substantial part of the events or omissions giving rise to the claim
24 occurred, or a substantial part of property that is the subject of the action is
situated; or (3) if there is no district in which an action may otherwise be
brought as provided in this section, any judicial district in which any
defendant is subject to the court's personal jurisdiction with respect to such
action.

¹ In his Complaint, Plaintiff states that he is filing under 42 U.S.C. § 12101, *et seq.* and alleges that this Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331.

United States District Court

For the Northern District of California

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2 28 U.S.C. § 1391(b). Based on the allegations in the complaint, it appears that the proper venue for
3 this case is the Eastern District of California because that is where “a substantial part of the events or
4 omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b)(2). When a plaintiff files his or
5 her case in the wrong district, the court must either dismiss the case or transfer it to the District
6 Court in the correct district. *See* 28 U.S.C. § 1406(a). Thus, unless Plaintiff can show legal
7 authority for venue in this district, the court will transfer the case to the Eastern District of
8 California. Accordingly, IT IS HEREBY ORDERED that, **by no later than March 12, 2013**,
9 Plaintiff shall file a statement explaining why this case should not be transferred to the United States
10 District Court for the Eastern District of California.

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12 IT IS SO ORDERED.

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14 Dated: February 28, 2013



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